Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at City Hall, 300 Sixth Street, in Rapid City, South Dakota on Monday, January 3, 2022, at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Greg Strommen, Darla Drew, Ritchie Nordstrom, Ron Weifenbach, Pat Jones, Lance Lehmann and Bill Evans; the following Alderpersons arrived during the course of the meeting: None; and the following were absent: Jason Salamun and John Roberts. Laura Armstrong joined the meeting by telephone.

Staff members present included: Deputy City Attorney Carla Cushman, Police Chief Don Hedrick, Public Works Director Dale Tech, Finance Director Pauline Sumption, Community Development Director Vicki Fisher, Parks Director Jeff Biegler, IT Director Jim Gilbert, Fire Chief Jason Culberson, Community Resources Director Nick Stroot, Communications Coordinator Darrell Shoemaker, and Administrative Secretary Angie Boeve.

ADOPTION OF AGENDA
Motion was made by Drew, second by Evans and carried to adopt the agenda. Motion carried 8-0.

PRESENTATIONS
Charity Doyle presented an update on OneHeart. OneHeart officially opened January 4, 2021 and they anticipate being at full capacity by June of 2022.


GENERAL PUBLIC COMMENT (3-minute time limit per speaker)
Rich Cartney requested the City Council find a way to fund a new fence for the Mountain View Cemetery. The fence has been down since last Spring. He feels the cemetery is sacred and should be protected in its entirety. He wants the fence to be repaired or replaced.

NON-PUBLIC HEARING ITEMS -- Items 3 – 35

CONSENT ITEMS – Items 3 – 34
The following items were removed from the Consent Items:

25. LF122921-01 – Confirm the Reappointments of Amy Sazue, Bill May, and Jess Rogers to the Human Relations Commission
31. LF122921-10 – Approve the Request for Approval for Youth City Council to Make Expenditures to Travel to Washington DC for National League of Cities Youth Event March 14-22, 2022.

Motion was made by Lehmann, second by Nordstrom and carried to approve Consent Items 3-34 with the exception of items 25 and 31.

Approve Minutes
3. Approve Minutes for the December 20, 2021 Regular Council meeting.
4. Approve Minutes for the December 27, 2021 Special Council meeting.
**Intent to Lease Set for Hearing (Tuesday, January 18, 2022)**

5. The City of Rapid City intends to enter into a lease for a property located at 680 E. Fairmont Blvd with BMX Inc.

**Vacations of a Section Line Set for Hearing (February 7, 2022)**

6. No. 21VR002 - A request by KTM Design Solutions, Inc. for SSST, LLC for a Vacation of a Section Line for property generally described as being located northwest of the intersection of Caymus Drive and Pahlmeyer Drive

**Alcoholic Beverage License Applications Set for Hearing (Tuesday, January 18, 2022)**

7. Tiki Investments, LLC DBA Tiki Bar, 615 E. North Street for a Retail (on-sale) Liquor License TRANSFER from LaCroix Investments, Inc. DBA Time Out Lounge located at 615 E. North Street

8. Tiki Investments, LLC DBA Tiki Bar, 615 E North Street for a Package (off-sale) Liquor License TRANSFER from LaCroix Investments, Inc. DBA Bus’s Bottle Shop located at 615 E North Street

**Public Works Committee Consent Items**

9. PW122821-01: Approve Authorization To Seek Proposals For Development And Implementation Of A Utility Rate Study For The Water And Water Reclamation Utilities, Project No. 2687/CIP No. 51342. Estimated Cost of This Study is $200,000.

10. PW122821-02: Approve Request And Authorize Staff To Purchase (1) One New Single Engine Hydro Excavation With Vacuum On Heavy Duty Chassis, Through The Sourcewell Cooperative Contract #122017-FSC-2 With Vactor Through Sanitation Products In The Amount Of $496,051.79. For Utility Maintenance

11. PW122821-03: Approve Authorization for Mayor and Finance Director to sign an Amendment 3 to Professional Services Agreement with FMG Engineering for Rushmore Plaza Civic Center Arena Expansion Project #2452 Boundary, Topographic Survey and Testing in the amount of $40,612.31.

12. PW122821-04: Approve Authorization for Mayor and Finance Director to sign a Professional Services Agreement with Chamberlin Architects PC for Rapid City Fire Station #1 Improvements Project #2612 in the amount of $838,350.00.

13. PW122821-05: Approve Authorization for Mayor and Finance Director to Sign an Agreement between the City of Rapid City and HDR Engineering, Inc. for E Main Street N Bridge Repair, Project No. 19-2525/CIP No. 51247 in the amount of $143,090.00.

14. PW122821-06: Approve Authorization for Staff to Advertise Bids for Deadwood Avenue Reconstruction Phase 1, Project No. 17-2375 / CIP 50437.1. Estimated Cost $2,700,000.

15. PW122821-07: Approve Authorization for Staff to Advertise for Bids for E Anamosa Street – Street and Storm Sewer Repairs, Project No. 21-2639/ CIP No. 51153. Estimated Cost $575,000.


17. PW122821-09: Approve Change Order #2 to Complete Concrete Inc. for Lacrosse Street Interchange Utility Improvements, Project 16-2318/CIP 51108 for an increase of $1,225.31.

18. PW122821-10: Approve Change Order #1 to Mainline Contracting Inc. for Una Del Drive Reconstruction, Project 19-2505/CIP 50914 for an increase of $9,096.83

19. PW122821-11: Approve Change Order #1F to Simon Contractors of SD Inc. for 2021 Street Patching Project, Project 20-2619/CIP 50549 for a decrease of $2,333.66.

20. PW122821-12: Approve Change Order #2F to Dakota Barricade LLC for 2021 Lane Line Painting, Project #21-2649/CIP 50594 for a decrease of $24,869.90.

21. PW122821-13: Approve Authorization for Mayor and Finance Director to Sign Agreement between the City of Rapid City and Fox, LLC for Oversize Water Main Cost Reimbursement, not to exceed $69,075.00

22. PW122821-14: Approve Request From Todd Seaman (3806 Elysian) And Adam Bodensteiner (3837 Elysian) For A Variance To Waive The Requirement To Install Sidewalk Along Elysian Ct, Per City Ordinance 12.08.060.
23. PW122821-15: Confirm the appointment of Scott Kenner to the Rapid City Air Quality Board.

24. PW122821-16: Approve Authorization For The Mayor And Finance Director To Sign Sewer Service Agreement Between The City Of Rapid City And Rapid Valley Sanitary District To Allow The District To Use The Sewage Treatment System Of The City

**Legal and Finance Committee Consent Items**

26. LF122921-02 – Acknowledge October 2021 Sales Tax Report

27. LF122921-03 – Approve Request for Property Tax Abatements as follows: Jeffery Dewberry Sr. (Tax ID 8002789) 2019, $146.42; [Total for City of Rapid City: $146.42]

28. LF122921-04 – Approve Resolution No. 2022-001 A Resolution Removing a Rapid City Special Assessment on 631 Lemmon Avenue

RESOLUTION No. 2022-001
A RESOLUTION REMOVING A RAPID CITY SPECIAL ASSESSMENT ON 631 LEMMON AVENUE

WHEREAS, on April 7, 2021, the Code Enforcement Division of the Rapid City Community Development Department abated a nuisance or nuisances on the property commonly known as 631 Lemmon Avenue and legally described as “Lot 5-7, Block 33, North Rapid Addition, Rapid City, Pennington County, South Dakota” (the “Property”); and

WHEREAS, at the time of this abatement, the owner of the Property was Rose Suliveres; and

WHEREAS, the fee for this abatement was $525.00, plus a late fee of $100; and

WHEREAS, the City of Rapid City approved a special assessment for the nuisance abatement on May 17, 2021, by a resolution entitled “Resolution 2021-046 A Resolution Levying Assessment for Abatement of Nuisances”; and

WHEREAS, a $625 special assessment was assessed against the Property, which over time may have accrued interest and late fees; and

WHEREAS, the Pennington County Treasurer’s Office issued a Treasurer’s Deed for the Property to James Bialota Jr. on April 27, 2021; and

WHEREAS, because the nuisance abatement was not an SDCL Chapter 9-43 special assessment, the special assessment did not survive the issuance of the Treasurer’s Deed to Mr. James Bialota Jr.; and

WHEREAS, the City Council desires to recognize that this special assessment is not collectable; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Rapid City, South Dakota that the special assessment approved by the City of Rapid City on May 17, 2021 is removed from the Property,

BE IT FURTHER RESOLVED, by the City of Rapid City that any lien against the Property, created as a result of the special assessment, is extinguished.

DATED this 3rd day of January, 2022.

CITY OF RAPID CITY
s/Steve Allender
29. LF122921-05 – Authorize Mayor and Finance Director to Sign Engagement Letter with Addendum with Ketel Thorstenson LLP for the FY 2021 Audit

30. LF122921-07 – Approve Resolution No. 2022-004 a Resolution of Intent to Enter into a Lease with Rapid City BMX, Inc. for property located at 680 E. Fairmont Blvd.

RESOLUTION NO. 2022-004
A RESOLUTION OF INTENT TO ENTER INTO A USE AGREEMENT WITH RAPID CITY BMX, INC.
PURSUANT TO SDCL 9-12-5.2

BE IT RESOLVED by the City Council that the City of Rapid City intends to enter into a use agreement with Rapid City BMX, Inc. for real property which is located in the City of Rapid City, South Dakota, and legally described as follows:

A portion of Robbinsdale Park, Less Lot 1, Section 07, Township 1N, Range 08E, located in Robbinsdale Park, Rapid City, Pennington County, South Dakota,

which property generally consists of BMX track; and

BE IT FURTHER RESOLVED that a hearing will be held on January 18, 2022, at 6:30 p.m. to be held at City Hall, 300 Sixth Street, Rapid City, South Dakota, to consider the use of such property, or as soon thereafter as the item may come on for hearing at said meeting; and

BE IT FURTHER RESOLVED that notice of the time and place of this public hearing shall be published once, at least ten days prior to the hearing, by copy of this Resolution of Intent or by separate notice; and

BE IT FURTHER RESOLVED that following the hearing the City Council may adopt a resolution authorizing a use agreement upon the terms and conditions as it shall determine in said resolution.

DATED this 3rd day of January, 2022.

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST:
s/Pauline Sumption
Finance Director
(SEAL)

32. LF121521-19 – Authorize Mayor and Finance Director to Sign a Memorandum of Understanding Between the City of Rapid City and Local 1031, Council 65, American Federation of State, County, and Municipal employees AFL-CIO Regarding Salary Adjustments for Bargaining Unit Employees in 2022.

Community Development Consent Items

33. LF122921-06 – Approve a Request by the Code Enforcement Division to Waive the Abatement Fee for 638 E. Boulevard North in the Amount of $225.00
Bid Award Consent Items
34. CC122021-04.4 - Approve award of total Base Bid plus Alternate 1 and Alternate 2 for Well No. 12 2021 Improvements, Project No. 21-2684 / CIP No. 51340 opened on December 14, 2021 to the lowest responsible bidder, Layne Christensen Company in the amount of $749,100.00. (This item was continued from the December 20, 2021 City Council Meeting.)

END OF CONSENT ITEMS

Mayor Allender read in item (LF122921-01) Confirm the Reappointments of Amy Sazue, Bill May, and Jess Rogers to the Human Relations Commission. Motion made by Jones, second by Weifenbach to continue this item until the January 18, 2022 Council meeting. Jones wanted to get clarification on the roll of some of the members from the Director of the Human Relations Commission. Drew spoke highly of the commission members. She invited other council members to attend a meeting if they wanted to. Upon vote being taken, the following voted AYE: Jones, Nordstrom, Weifenbach and Strommen; NO: Lehmann, Evans, Drew and Armstrong. Allender voted no to break the tie vote. Motion was made by Drew, second by Evans to approve, motion carried 6-2 with Strommen and Jones voting no.

Mayor Allender read in item (LF122921-10) Approve the Request for Approval for Youth City Council to Make Expenditures to Travel to Washington DC for National League of Cities Youth Event March 14-22, 2022. Motion was made by Evans, second by Lehmann to approve. Strommen and Weifenbach spoke against this item, while Evans, Nordstrom, Jones, Drew and Mayor Allender spoke in favor of it. Motion carried 6-2 with Strommen and Weifenbach voting no.

NON-CONSENT ITEMS – Item 35

Legal and Finance Committee Items
Mayor Allender read in item (LF122921-09) Approve the Request for Authorization for Youth City Council to Forward Letter of Support re: Statewide Social Studies Curriculum and Standards. Motion was made by Drew, second by Nordstrom to approve. Jones invited the Youth Council to speak in regards to the reasoning of this request. Tay Swanson, Youth City Council Secretary, said that the Youth Council voted unanimously that the Social Studies Standards should include Lakota history. Jones, Weifenbach, Drew, Armstrong, Nordstrom, and Evans spoke in favor, while Strommen spoke against it. Motion carried 6-2 with Lehmann and Strommen voting no.

PUBLIC HEARING ITEMS – Items 36 – 40

CONSENT PUBLIC HEARING ITEMS – Items 36 and 37

Alcohol Licenses
36. Fuji Sushi and Sake Bar #478 Inc. DBA Fuji Sushi and Sake Bar, 2200 N. Maple Ave #478 for a Retail (on-off sale) Malt Beverage & SD Farm Wine License and Retail (on-off sale) Wine and Cider License TRANSFER from Fuji Asian Restaurant Inc. DBA Fuji Asian Restaurant, located at 2200 N Maple Ave Unit 478

Other Items Requiring Public Hearings
37. LF122921-08 - Approve Resolution No. 2021-107 A Resolution to Enter into a Lease Agreement from City to Downtown Business Improvement District Board for Main Street Square

RESOLUTION NO. 2021-107
A RESOLUTION TO ENTER INTO A LEASE AGREEMENT FROM CITY TO DOWNTOWN BUSINESS IMPROVEMENT DISTRICT BOARD FOR MAIN STREET SQUARE
BE IT RESOLVED by the City Council that the City of Rapid City authorizes the Mayor and Finance Director to Sign a Lease Agreement from City to Downtown Business Improvement District Board and any other necessary documentation involving entering into a lease with the Downtown Business Improvement District Board for real property which is located in the City of Rapid City, South Dakota, and legally described as follows:

Lots 17-23, Block 75, all of vacated alley located adjacent to Lots 17-23, vacated portion of 6th Street adjacent to Lot 17, and vacated portion of Main Street adjacent to Lots 17-22, all in Original Town of Rapid City, Pennington County, South Dakota;

All of vacated alley adjacent to Lots 1-16, Block 75, Original Town of Rapid City, Pennington County, South Dakota; and

The enclosed portion of the ground level of the parking structure located on Lots 11-16, Block 75, Original Town of Rapid City, Pennington County, South Dakota.

which property is generally described as Main Street Square upon the terms and conditions as reflected in the Lease Agreement from City to Downtown Business Improvement District Board for Main Street Square.

DATED this 3rd day of January, 2022.

CITY OF RAPID CITY  
s/Steve Allender  
Mayor

ATTEST:  
s/Pauline Sumption  
Finance Director  
(SEAL)

Motion was made by Lehmann, second by Jones to approve Items 36-37. Motion passed 8-0.

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 38 – 40

Mayor Allender read in item (No. 21CA001) A request to approve Resolution 2021-052 by KTM Design Solutions, Inc. for 605 Storage LLC for a Comprehensive Plan Amendment to the Major Street Plan for property generally described as being located at 3276 and 3300 Cambell Street. This item was continued from the December 6, 2021 City Council Meeting. Motion was made by Lehmann, second by Evans to continue to the March 21, 2022 City Council meeting per the applicant’s request. Motion carried 8-0.

Mayor Allender read in item (No. 21RZ030) Second Reading, Ordinance 6521, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Indigo Design, LLC for Rice Valley View Properties for a Rezoning request from General Commercial District to Office Commercial District for property generally described as being located south of Omaha Street and west of Cambell Street. Having passed its first reading on December 20, 2021, motion was made by Jones, second by Weifenbach that the title be read the second time, to approve in conjunction with a Planned Development Designation. Upon vote being taken, the following voted AYE: Nordstrom, Weifenbach, Strommen, Jones, Lehmann, Evans, Armstrong, and Drew; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6521 was declared duly passed upon its second reading.

Mayor Allender read in item (No. 21RZ031) Second Reading, Ordinance 6522, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Bret and Kathy and Carla
McBride for a Rezoning request from General Agricultural District to Medium Density Residential District for property generally described as being located southeast of the intersection of Haines Avenue and Country Road. Having passed its first reading on December 20, 2021, motion was made by Nordstrom, second by Lehmann that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Weifenbach, Strommen, Jones, Lehmann, Evans, Armstrong, and Drew; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6522 was declared duly passed upon its second reading.

**BILLS**

**BILL LIST - JANUARY 3, 2022**

- SOUTH DAKOTA DEPARTMENT OF REVENUE NOV21 SALES TAX PAYABLE, PD 12/27/21: 41,123.48
- SOUTH DAKOTA DEPARTMENT OF REVENUE NOV21 EXCISE TAX PAYABLE, PD 12/27/21: 131.96
- SOUTH DAKOTA DEPARTMENT OF REVENUE NOV21 CCTR SALES TAX PAYABLE, PD 12/27/21: 27,181.68
- WELLMARK INC HEALTH CLAIMS THROUGH 12/24/21, PD 12/30/21: 138,812.71
- WAGE WORKS 2022 INITIAL FUNDING, PD 12/28/21: 14,784.80
- WAGE WORKS SECTION 125 CLAIMS THROUGH 12/27/21, PD 12/28/21: 4,760.77
- RISK ADMINISTRATION SERVICES INC WORK COMP CLAIMS THROUGH 12/29/21, PD 12/30/21: 6,479.41
- BLACK HILLS COMMUNITY BANK PARKS EQUIPMENT PRINC & INT: 2,667.77
- BLACK HILLS COMMUNITY BANK EXECUTIVE GOLF EQUIPMENT PRINC & INT: 2,670.67
- BLACK HILLS INSURANCE 2022 INSURANCE PREMIUMS: 1,496,256.14
- BLACK HILLS INSURANCE 2022 WORK COMP PREMIUM: 599,528.00
- BLACK HILLS INSURANCE 2022 WORK COMP PREMIUM – CDEV: 283.00
- CITY- LIABILITY INSURANCE FUND 2022 LIABILITY INSURANCE: 279,023.07
- CITY-WORKERS COMPENSATION FUND 2022 WORK COMP: 848,461.25
- CITY-WORKERS COMPENSATION FUND 2022 WORK COMP – CDEV: 452.00
- HUMANE SOCIETY OF THE BLACK HILLS JAN22 HUMANE SOCIETY: 31,654.50
- IIARC 2022 AIRPORT GENERAL LIABILITY PREMIUM: 36,947.00
- US BANK NATIONAL ASSOCIATION 2019A AIRPORT BOND PAYMENT: 60,012.50
- US BANK TRUST SRF CLEAN WATER #6 PAYMENT: 84,583.36
- US BANK TRUST SRF DRINKING WATER #2 PAYMENT: 105,933.32
- BANK WEST TID47 TOWER RD, PD 12/23/21: 32,460.07
- BANK WEST TID56 RUSHMORE CROSSING, PD 12/23/21: 69,967.60
- BANK WEST TID56 RUSHMORE CROSSING - HDRK, PD 12/23/21: 12,192.37
- BANK WEST TID65 MINNESOTA ST, PD 12/23/21: 11,430.10
- BANK WEST TID70 CATRON BLVD, PD 12/23/21: 11,641.37
- BANK WEST TID78 UNNAMED TRIBUTARY, PD 12/23/21: 41,911.38
- CITY OF RAPID CITY TID64 CABELA’S, PD 12/23/21: 20,588.92
- FIRST INTERSTATE BANK TID50 FEDERAL BEEF/FOUNDERS PARK DEV, PD 12/23/21: 22,096.44
- US BANK CREDIT CARD CHARGES, PD 12/29/21: 31,701.28
- BLACK HILLS ENERGY ELECTRICITY, PD 12/30/21: 11,429.18

**SUBTOTAL** 4,047,166.10

- RSVP BLACK HILLS INSURANCE - 2022 INSURANCE PREMIUMS: 288.00
- RSVP BLACK HILLS INSURANCE - 2022 WORK COMP PREMIUM: 26.00
- RSVP CITY- LIABILITY INSURANCE FUND - 2022 LIABILITY INSURANCE: 144.00
- RSVP CITY-WORKERS COMPENSATION FUND - 2022 WORK COMP: 42.00

**TOTAL** 4,047,666.10
Sumption presented the bill list of $4,047,666.10. Motion was made by Jones, second by Nordstrom and carried to authorize (No. CC010322-01) the Finance Director to issue warrants or treasurer checks, drawn on proper funds, in payment thereof. Motion carried 8-0.

**ADJOURN**

There being no further business to come before the Council at this time, motion was made by Lehmann, second by Drew and carried to adjourn the meeting at 7:42 p.m.

Dated this 3rd day of January, 2022.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director
(SEAL)

Published at the approximate cost: ______________